

REMARKS

Claims 1-3, 5, 8-11, and 14-18 are pending in this application. Five claims 14-18 have been added. Five claims 4, 6, 7, 12, and 13 have been canceled. Claims 1, 2, 8, 10, 11 and 14 are independent.

Interview

The Examiner is thanked for conducting the interview on June 26, 2006. As noted in the Interview Summary, it was agreed that the ID portion 203 is explicitly disclosed as not being part of the cyber code in Daisuke. This response reflects the discussion of Daisuke during the interview.

Information Disclosure Statement

The undersigned notes that the Examiner has not acknowledged the Information Disclosure Statement filed October 13, 2005. In addition, acknowledgement was not received for the PTO Form(s) 1449 submitted with the Information Disclosure Statement on October 13, 2005. A copy of the PTO Form(s) 1449 referred to above is enclosed.

The Patent and Trademark Office therefore is requested to return the initialed form to the undersigned as soon as possible.

Claim Rejection – Daisuke

Claims 4-13 remain rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Application Publication 2002-125008A (Daisuke). It is noted, however, that claim 4 had been

replaced by new claim 14. Claims 6 and 7 are now new claims 15 and 16. Claims 12 and 13 are now new claims 17 and 18.

Arguments for claims 4, 6, 7, 12, and 13 will be addressed with respect to the corresponding new claims.

Paragraph 0028 of the machine translation of Daisuke states: "The ID section 213 writes in hexadecimal the 24-bit data coded in the code section 202, and is not a part indispensable as a cyber-code." During the interview it was agreed that this statement means that the ID section 203/213 is not part of the cyber-code.

Unlike Daisuke the present invention includes an "imaging device for imaging encoded data including a header portion and a body portion, said header portion including a data identifier" and an additional "data identifying unit" that performs pattern recognition to recognize the data identifier in order to estimate the type of encoded data. In Daisuke, on the other hand, the data type is known in advance by the user via the logo 201 or ID portion 203. In addition, since Daisuke's invention pertains to reading a known type of data, the cyber-code, Daisuke does not require a determination of the type of data.

Thus it is apparent that Daisuke does not disclose a step or function to 1) pick-up the ID section 203 as well as the cyber-code and 2) recognize the ID section 203 given a picked-up image, and estimating the type of information in the code section 202 based on a recognized ID section 203.

In particular, Applicants submit that Daisuke fails to teach or suggest at least the claimed "imaging device for imaging encoded data including a header portion and a body portion", "data identifying unit that recognizes the data identifier from an image of the data identifier" and

“estimates the type of said encoded data based on said recognized data identifier”, and “control unit that reads the contents of said encoded data in a manner suited for the type of data estimated by said data identifying unit and reproduces the thus read data.”

Similar arguments apply as well to the claims 8 and 11.

Accordingly, Applicants request that the rejection, as applied to new claims 14-18 (replacing claims 4, 6, 7, 12, and 13, respectively), and claims 5, 8, 9, 11, be reconsidered and withdrawn.

Further with respect to claim 13 (now new claim 18), Applicants submit that Daisuke fails to teach at least the claimed feature of said “data identifying unit determines whether the type of the encoded data is either ring tone data or data other than ring tone data based on the recognized data identifier, and if the encoded data is determined to be data other than ring tone data, the data other than ring tone data is displayed on the display unit by said control unit.

The Office Action alleges that cyber code may be reproduced into a memory for storage or reproduced into a speaker. Applicants disagree that Daisuke teaches the claimed data identifying unit. As mentioned above, Daisuke does not include an identifying unit that determines the type of data contained in the body portion because the disclosed invention only recognizes cyber-code. Daisuke does not recognize data other than cyber-code. In fact, if the code is not recognized as cyber-code, a message such as that in Fig. 7(b) is shown, which states, “reinput since you were not able to read correctly.”

For at least this additional reason, Applicants submit that Daisuke fails to teach each and every feature of claim 18 (formerly claim 13).

Conclusion

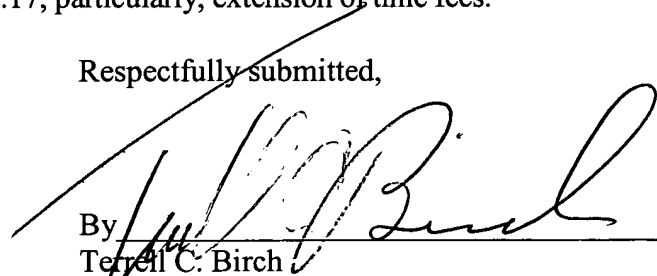
In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert W. Downs (Reg. No. 48,222) at the telephone number of (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,



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